

Office of the Governor

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Washington State Sues U.S. Department of Energy to Halt Hanford Shipments

OLYMPIA - March 4, 2003 - Gov. Gary Locke, Attorney General Christine Gregoire and Washington State Department of Ecology Director Tom Fitzsimmons today announced that the state has taken legal action to stop the U.S. Department of Energy from shipping additional quantities of radioactive waste to the Hanford site near Richland. The suit results from the Department of Energy's failure to develop a plan for the eventual removal of the waste from the state.

The attorney general filed the suit today on behalf of the state Department of Ecology in U.S. District Court in Spokane after the Department of Energy failed to make a commitment to the state by a March 1 deadline. In December 2002, the Department of Energy had agreed in principle to provide enforceable assurances that "transuranic" (TRU) waste currently at Hanford and planned to be shipped to the site would ultimately be disposed of at the Waste Isolation Pilot Plant in New Mexico.

"The Department of Energy's blatant disregard of our previous agreement is indefensible," said Locke. "On behalf of the people of Washington, we will do whatever it takes to ensure that a timeline is developed for Hanford, a cleanup plan is put in place, and the Department of Energy follows through on it."

The suit requests a federal court to enjoin the Department of Energy from shipping additional quantities of TRU waste to Hanford. It also asked the court to declare that the Department of Energy's shipments of such waste are a violation of the National Environmental Policy Act and other environmental laws and regulations.

The state was poised to sue over the TRU waste issue in December but put legal action on hold after the Department of Energy pledged to negotiate

with the state to develop milestones for digging up the waste, putting it in safe storage and readying it for shipment to New Mexico. Based on those assurances, the state did not file a lawsuit to block the Department of Energy from shipping drums of TRU waste to Hanford from energy facilities in Ohio and California before March 1.

"We received assurances that the federal government would prepare to ship approximately 78,000 barrels of radioactive waste out of Hanford, if we let another 170 barrels in," Gregoire said. "But the Department of Energy has not lived up to its end of the bargain, and now they have left us with no choice but to file suit."

Approximately 40 drums of TRU waste have arrived at Hanford since December. One shipment is currently en route, and the next is scheduled to be shipped on March 18. Negotiations fell apart last weekend when the Department of Energy informed state officials that it would not agree to a specific schedule for certifying the TRU waste.

"We have learned the hard way that little cleanup occurs at Hanford unless the Department of Energy backs up its good intentions with firm deadlines," said Fitzsimmons. "These are the only wastes at Hanford that still do not have a cleanup plan, so it is a top priority for us."

Some TRU waste contains highly radioactive materials that are long-lived and may be extremely dangerous if not properly managed. Mixed TRU waste is radioactive, but also contains additional hazardous substances that are regulated by federal law.

Between 1970 and 1985, the Department of Energy stored approximately 78,000 55-gallon drums of known or suspected TRU, mixed TRU and low-level mixed waste at Hanford. The waste remains at the site today, most of it partially buried in unlined trenches.

The 560-square-mile Hanford reservation produced material for nuclear weapons during World War II and the Cold War that followed. It contains more radioactive waste than any other site in the nation.

The 1989 Tri-Party Agreement between the Department of Energy, the U.S. Environmental Protection Agency and the state of Washington established a timetable for cleaning up much of the dangerous waste at Hanford, but TRU

waste was not part of that agreement. The agreement in December called for incorporating the new TRU waste milestones into the Tri-Party Agreement.

State officials also hoped the agreement would lead collective dialogue with other states involved in the National Governors Association's Federal Facilities Task Force aimed at lessening the need to move the dangerous waste around the country multiple times.